

OFFICE OF THE CHILD ADVOCATE

The Office of the Child Welfare Ombudsman was established per executive order August 2003. Effective August 28, 2004 the Office of the Child Welfare Ombudsman will be known as the "Office of Child Advocate for Children's Protection and Services" (Section 37.705.1 RSMo.) The purpose of the Office of Child Advocate for Children's Protection and Services is to assure children receive adequate protection and care from services, programs offered by the Department of Social Services, the Department of Mental Health or the juvenile court. The child advocate reports directly to the commissioner of the Office of Administration.

Per section 37.710.1 RSMo., the Office of Child Advocate for Children's Protection and Services shall have access to the following information:

- 1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the Children's Division, Department of Mental Health and the juvenile courts;
- 2) All written reports of child abuse and neglect; and
- 3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.

The office shall have the following authority.

- 1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the Department of Social Services and the Department of Mental Health, and other persons or entities providing treatment and services.
- 2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state.
- 3) To work in conjunction with juvenile officers and guardian ad litem.
- 4) To file amicus curiae briefs (petition the court for permission to file a brief) on behalf of the interests of the parent or child.
- 5) To initiate meetings with the Department of Social Services, Department of Mental Health, the juvenile courts and juvenile officers.

TITLE: CHILD WELFARE MANUAL
SECTION 5: CASE RECORD MAINTENANCE AND ACCESS
CHAPTER2: RECORD RECORD ACCESS
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- 6) To provide information to the public regarding the Child Advocate's Office, its purpose and how to be contacted.
- 7) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest.
- 8) Subject to appropriation, establish local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner.

Per agreement between the Department of Social Services/Children's Division and the Office of Child Advocate, complaints to the Office of Child Advocate will be addressed when all levels of grievances have been exhausted through Children's Division. Reports and records will be shared with the Office of Child Advocate upon circuit manager review. Unsubstantiated reports will be released upon written request to the division by the reporter. The Constituent Response Unit within the Children's Division will provide information to the Office of Child Advocate as outlined in Section 37.710.2 RSMo.

Related Subject: Section 2, Chapter 4, Attachment D Reporter Contact

MEMORANDA HISTORY: CD04-79